JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION (JOFOC) 10 U.S.C. 2304(c)(2) or 41 U.S.C. 253(c)(2)

The supplies and/or services required for this procurement are needed As Soon As Possible and represent an unusual and compelling urgency. The current level of service being carried out by the Indian Health Service, would seriously impact this agencies ability to carry out its requested function in providing quality services to the population, which it serves.

1. REQUISITION NUMBER #:	2. AUTHORITY	3. CONTRACT TYPE	4. CONTRACT FORMAT
IHS1067106	☒ Sole-Source (FAR 6.302-1) ☒ Urgent/Compelling (FAR 6.302-2)	☐ Cost Reimbursement ☒ Firm—Fixed Price	☐ Supplies ☐ Personal Services ☒ Services ☐ Non-Personal Services

5. TITLE OF THE PROJECT/SERVICE:

Replace chillers at Crow Hospital

6. LOCATION OF PERFORMANCE:

Crow/Northern Cheyenne Hospital, Crow Agency, MT 59022

7. NAME OF PROPOSED CONTRACTOR (IF KNOWN)	8. BEING REQUESTED BY (*name*):	9. PHONE NO.	
Vemco **2016 2nd Ave North**	**Jerry Smith, PE**	**(406) 638-3499**	
	10. PROJECT OFFICER (*name*) HHSAR 306.303-2(a)(1) **Jerry Smith, PE**	11. PHONE NO. ( )	
	12. CONTRACT SPECIALIST (*name*)	13. PHONE NO. ( )	14. BLDG./RM.

15. PERFORMANCE PERIOD (3 MONTHS)	16. ADMINISTRATION DATA	
a. Proposed Start Date: **ASAP**	a. Number of Units (Total Hours/Quantity/Etc.): **1 Job**	b. Total Aggregate (Complete) Cost: **$450,000.00**
b. Proposed Completion Date: **10 weeks past award date.**	c. This Acquisition is (HHSAR 306.303-2(3): ☒ An entity in itself ☐ Part of a series of related acquisitions	d. Award will be made by: ☐ Competition ☒ Other than Full and Open Competition
c. Work Schedule (i.e. 8a-5p; 7 on-7 off; Weekends): Determined after award of PO	e. Pricing is based upon: ☐ Historical Pricing (paid in past) ☒ Program Manager's judgment based on similar purchases	

Federal Acquisition Regulation (FAR) 6.3 Other than Full and Open Competition, 41 USC 253(c) and 10 USC 2304(c) policy states that Contracting without providing for full and open competition is a violation of statute...A JOFOC should not be used due to a lack of planning on your part or because funding is about to expire.

A JOFOC should not be used longer than the performance period, it is designed to fulfill a short-term need and should not be used for anything beyond 3-months unless authorized by the Contracting Officer.

Approval is required prior to negotiating with the proposed source. The following explanation is attached: Part I - Background Information and Description of Acquisition, and Part II - Facts and Reasons to Justify Other Than Full and Open Competition.

Certification in the Request for Contract, or by requisition attached to this document, indicates that funds are available for this acquisition, or if funding is not presently available but is anticipated, no award will be made until such funding is obtained.

An award will be made only if, during negotiations, it is shown that the anticipated cost to the Government will be fair and reasonable.

For the reasons explained in the attachment(s), the following officials consider this acquisition appropriate for negotiation with the contractor indicated above, using other than full and open competition, and do so recommend, concur, or approve.

As evidenced by their signatures below on this Justification For Other than Full and Open Competition document, the Project Officer and the Contracting Officer also certify that, to the best of their knowledge and belief, the justification is accurate and complete and that the technical and requirements personnel have certified that any supporting data contained herein, which is their responsibility, is both complete and accurate. (FAR 6.304 and HHSAR 306.303-2 (c) and HHSAR 306.304)

17. Certification and Signature Approvals

Recommend/ Concur	Approve	Title	Typed Name	Signature	Date
☐	☐	Requestor / Initiator	Jerry Smith, PE		7/1/09
☐	☐	Supervisor/Program Director	Bob Biddle, PE		7/1/09
☐	☐	Project Officer	Jerry Smith, PE		7/1/09
☐	☐	Service Unit Director	Carol Boerner, PE		7/1/09
☐	☐	Contracting Officer	Jerry L. Black, CCO		7/8/09
☐	☐	Senior Contract Specialist			
☐	☐				

Justification for Other than Full and Open Competition (JOFOC) 10 U.S.C. 2304(c)(2) or 41 U.S.C. 253(c)(2)

The supplies and/or services required for this procurement are needed As Soon As Possible and represent an unusual and compelling urgency. The current level of service being carried out by the Indian Health Service, would seriously impact this agencies ability to carry out its requested function in providing quality services to the population, which it serves.

18. Acquisition Objectives

a. **Introduction:** Briefly describe what the need is. Specify if there are vendors or sources of competition available in which to solicit the services/supplies needed for this acquisition.

Replace the existing chiller plant with two (2) McQuay AGZ 030-190CB-CVR units. Existing chiller plants are operating at 1/2 plant capacity.

19. Background Information

a. Briefly describe how the project evolved. What relationship does it have to the project or department that it will serve?.

We have an approved project using the stimulus funds. I was in the process of designing the project for Fall 09, however, we recently discsovered that we have major leaks on Chiller #2 that cannot be repaired and Chiller #1 has one compressor that needs to be replaced, we are planning on replacing the compressor with one from Chiller #2. We are currently operating on 1/2 of our chiller capacity, we need to have the chiller system replaced ASAP. The vendor anticiaptes that the chillers can be replaced 8 weeks after receipt of PO.

20. Scope of Work

a. Describe the supplies and/or services the contractor will be providing. **Attach a Position Description if applicable**

CROW HOSPITAL CHILLER REPLACEMENT PROJECT

The basic scope of work on this project is to replace the existing chiller system with a new chiller system. The existing chiller system includes:

- Four (4) Snyder General Aircon Air Cooled Condensers M/N: APD095CV27,
- Two (2) McQuay Chillers M/N: WHR170D
- Two (2) 250 gpm Armstrong Cold Water Pumps M/N: 4030BF
- All equipment is located in room B163 and outside evaporator enclosure adjacent to the hospital.

The new chilled water system includes:

- Two (2) McQuay model AGZ190C air cooled scroll compressor chillers, 380 ton nominal capacity with remote evaporator, R140A refrigerant, condenser coil louvers, Micro Tech II Controls with BacNet communications, single point power connection with disconnect switch, field installed spring isolators, field installed flow switch and factory certified start-up.

The scope of work is described below:

1. Contractor will remove existing chiller assembly complete including all associated piping, controls, wiring, and related assemblies making way for the installation of new chiller unit. The exterior air cooled condenser must be removed from site. The contractor is responsible for the removal of all unused items from the job site.

2. Contractor will install the new chilled water system as described above. This equipment is to be located in room B163 and in the outside evaporator enclosure adjacent to the hospital outside the boiler room on the existing concrete pad (where the air cooled condenser is currently located). The contractor may install a new pad or increase the existing pad size to accommodate the new chiller equipment. Contractor to replace existing chiller pump in room B163.

3. Contractor to provide detail design and drawings indicating such things as piping type, pipe size, routing, equipment schedule, etc. for approval. In addition, the contractor is to indicate items utilized such as pipe hangers, pipe insulation, valves, electrical wiring size, breakers (if required), etc. in a submittal to the Project Officer for approval. Contractor is to keep "red lined" drawings through out the construction process and provide to the owner at the completion of the project a set of as-build drawings.

4. Contractor is responsible for the labeling of all piping, valves, breakers, etc.

5. Contractor to submit construction schedule for approval.

6. Once the design and submittals are approved, the construction work can take place Monday thru Friday 7:30

a.m. until 5:00 p.m. After work may be approved by the Project Officer upon request.

7. Contractor is responsible for all testing and a complete hydronic balance of the chilled water system upon final installation.

8. All flow controls, status controls, etc. are to be integrated into the existing Automated Logic WebCTRL® System at the hospital for monitoring purpose. Graphics and control points of the new chiller to be supplied on the front-end workstation located within the hospital. It is the contractor's responsibility to subcontract with Standard Plumbing and Heating of Spokane, Washington to install the appropriate programming and graphics into the existing control system.

9. Certification of the new chiller system is required by the contractor after installation. This certification of the chiller will be commissioned by an independent service company. A detailed report will be required.

10. Contractor to provide O&M manuals for the new installation.

11. Contractor to abide by all local, state, and federal codes for the installation of the new chiller and related items. Craftsmen must possess the appropriate, current license for the installation. All licenses must be submitted during thru submittal process.

12. The inspection process will be conducted by the Project Officer.

13. Existing hospital as-builds are available upon request.

b. How will this requirement help the program?

The new chillers will allow the Facilities Management Department to properly regulate temperatures throughout the hospital.

c. How was this requirement acquired in the past?

We have never replaced the chillers.

d. Will there be future requirements like this? Will they be sent out for bid/competition? (FAR 6.303-1 and relevancy to FAR 6.502 (a) & (b)

No planned future requirements.

21. Technical Work Requirements

a. Describe the work requirement(s); this section should contain all the technical details related to the contractors work requirement, include all required products and/or guidelines that are to be used and any special considerations or constraints that apply to the contractor. If this is a Personal Service Contract, then attach a copy of the Statement of Work and Position Description.

The new chilled water system includes:

- Two (2) McQuay model AGZ190C air cooled scroll compressor chillers, 380 ton nominal capacity with remote evaporator, R140A refrigerant, condenser coil louvers, Micro Tech II Controls with BacNet communications, single point power connection with disconnect switch, field installed spring isolators, field installed flow switch and factory certified start-upAIR-COOLED SCROLL COMPRESSOR CHILLERS
WITH REMOTE EVAPORATOR
AGZ 030CB- AGZ 190CB

PART 1 - GENERAL
1.01 SUMMARY
Section includes design, performance criteria, refrigerants, controls, and installation requirements for air-cooled scroll compressor chillers.
1.02 REFERENCES
Comply with applicable Standards/Codes of ARI 550/590-98, ANSI/ASHRAE 15, ETL, cETL, ASME Section VIII, NEC, ASHRAE Standard 90.1, and OSHA as adopted by the State.
1.03 SUBMITTALS
A. Submit shop drawings and product data in accordance with the specifications.
B. Submittals shall include the following:
1. Dimensioned plan and elevation view drawings, required clearances, and

location of all field connections.
2. Summary of all auxiliary utility requirements such as: electricity, water, compressed air, etc. Summary shall indicate quality and quantity of each required utility.
3. Single line schematic drawing of the power field hookup requirements, indicating all items that are furnished.
4. Schematic diagram of control system indicating points for field interface/connection.
5. Field installed refrigerant piping diagram with line sizes and refrigeration specialties shown.
6. Diagram shall fully delineate field and factory wiring.
7. Installation manuals.

1.04 QUALITY ASSURANCE

A. Qualifications: Equipment manufacturer must specialize in the manufacture of the products specified and have five years experience with the equipment and refrigerant offered.
B. Regulatory Requirements: Comply with the codes and standards specified.
C. Chiller manufacturer plant must be ISO9002 Registered.

1.05 DELIVERY AND HANDLING

A. The outdoor section shall be delivered to the job site with a holding charge.
B. Comply with the manufacturers instructions for rigging and handling equipment.

1.06. WARRANTY

The refrigeration equipment manufacturer's warranty shall be for a period of one year from date of equipment start up but not more than 18 months from shipment. The warranty shall cover material and workmanship that prove defective within the above period and resultant loss of refrigerant.

1.07 MAINTENANCE

Maintenance of the chillers shall be the responsibility of the owner and performed in accordance with the manufacturer's instructions.

PART 2--PRODUCTS

2.01 ACCEPTABLE MANUFACTURERS

A. McQuay International

2.02 UNIT DESCRIPTION

Provide and install as shown on the air-cooled scroll compressor chiller systems in the quantity specified. Each system shall consist of hermetic triple scroll compressors, air-cooled condenser section, control system and all components necessary for controlled unit operation.
A multi-circuit, direct expansion, insulated evaporator shall be provided for remote location and be installed and piped to the outdoor unit by the installing contractor.

2.03 DESIGN REQUIREMENTS

A. General: Provide a complete scroll compressor chiller system consisting of an outdoor compressor-condenser section and a remote indoor evaporator as specified herein and as shown on the drawings. The unit shall be in accordance with the standards referenced in section 1.02 and any local codes in effect.
B. Performance: Refer to the schedule of performance on the drawings. The chiller shall be able to operate to at least 17 percent of full load without hot gas bypass.
C. Acoustics: Sound pressure levels for the unit shall not exceed the following specified levels. The manufacturer shall provide the necessary sound treatment to meet these levels if required. Sound data shall be provided with the quotation and be measured at 30 feet from the unit and one meter above the unit base line

Octave Band
63 125 250 500 1000 2000 4000 8000 dBA
65 61 62 62 60 56 54 47 64

2.04 CHILLER COMPONENTS

A. Compressors: The compressors shall be two sets triple hermetic scroll type compressors

with discharge service valve, crankcase oil heater and suction strainer. Compressors shall have a forced feed lubrication system with a reversible oil pump and factory oil charge. The compressor motors shall be refrigerant gas cooled, high torque, hermetic induction type, two-pole, with inherent thermal protection on all three phases and shall be mounted on RIS vibration isolator pads.
B. Remote Evaporator:
Units over 130 tons:
The evaporator shall be direct expansion, U-tube type with water flowing in the baffled shell side and refrigerant flowing through the tubes. Two independent refrigerant circuits within the evaporator serve the unit's dual refrigerant circuits.
The evaporator shall have a carbon steel shell and seamless high efficiency copper tubes roller expanded into a carbon steel tube sheet.
For drainage, 3/8" (10mm) vent and drain plugs shall be provided on the top and bottom of the shell.
The evaporator shall have an electric resistance immersion heater and be insulated with 3/4" (19mm) thick vinyl nitrate polymer sheet insulation, protecting against water freezeup at ambient air temperatures to -20°F (-29°C). A fluid thermostat shall control the heater. The fitted and glued-in-place insulation shall have a K factor of at least 0.28 at 75°F (23°C).
The water side working pressure shall be 150 psig (1035 kPa). Each evaporator shall be designed, constructed, inspected, and stamped according to the requirements of the Section 8 of the ASME Boiler and Pressure Vessel Code. Double thickness insulation is available as an option.
C. Condenser: The condenser coils shall consist of 3/8 inch (10mm) seamless copper tubes mechanically bonded into plate type fins. The fins shall have full drawn collars to completely cover the tubes. A subcooling coil shall be an integral part of the main condenser coil. Condenser fans shall be propeller type arranged for vertical air discharge and individually driven by direct drive fan motors. Each fan shall be in its own compartment to eliminate cross flow of condenser air during fan cycling and shall be equipped with a heavy-gauge vinyl coated fan guard. Fan motors shall be weather protected, three-phase, direct-drive, 1140 rpm, TEAO type. External coils shall have wire mesh protective guards.
D. Refrigerant Circuit: The refrigerant specialties shall be supplied by the unit manufacturer and include a liquid line shutoff valve, refrigerant filter-drier, sight glass with moisture indicator, liquid line solenoid valve, thermal expansion valve. The factory supplied specialties, along with piping and insulation furnished by the installing contractor shall be field installed by the contractor.
E. Construction: Unit casing and all structural members and rails shall be fabricated of steel and painted to meet ASTM B117, 500-hour salt spray test.
F. Control System: A centrally located weatherproof control panel shall contain the field power connection points, control interlock terminals, and control system. Power and starting components shall include factory fusing of fan motors and control circuit; individual contactors for each fan motor, solid-state three-phase motor overload protection, inherent fan motor overload protection and unit power terminal blocks for connection to remote disconnect switch. Terminals shall also be provided for power supply to the evaporator heater circuit. Hinged access doors shall be lockable. Barrier panels are required to protect against accidental contact with line voltage when accessing the control system. The operating and equipment protection controls shall be:
G. An advanced DDC microprocessor unit controller with a 4-line by 20-character liquid crystal display provides the operating and protection functions. The controller shall take pre-emptive limiting action in case of high discharge pressure or low evaporator pressure. The controller shall contain the following features as a minimum:
Equipment Protection

The unit shall be protected in two ways: (1) by alarms that shut the unit down and require manual reset to restore unit operation and (2) by limit alarms that reduce unit operation in response to some out-of-limit condition. Shut down alarms shall activate an alarm signal.
Shutdown Alarms
No evaporator water flow Sensor failures
Low evaporator pressure Evaporator freeze protection
High condenser pressure Outside ambient temperature
Motor protection system Phase voltage protection (Optional)
Limit Alarms
• Condenser pressure stage down, unloads unit at high discharge pressures
• Low ambient lockout, shuts off unit at low ambient temperatures
• Low evaporator pressure hold, holds stage #1 until pressure rises
• Low evaporator pressure unload, shuts off one compressor
Unit Enable Selection
Enables unit operation from either local keypad, digital input, or BAS
Unit Mode Selection
Selects standard cooling, ice, glycol, or test operation mode
Analog Inputs
Reset of leaving water temperature, 4-20 mA
Digital Inputs
Unit off switch Motor protection
Remote start/stop Flow switch
Ice mode switch, converts operation and setpoints for ice production
Digital Outputs
• Shutdown alarm; field wired, activates on an alarm condition, off when alarm is cleared
• Evaporator pump; field wired, starts pump when unit is set to start
Condenser fan control
The unit controller shall provide control of condenser fans based on compressor discharge pressure.
Building Automation System (BAS) Interface
Factory mounted DDC controller(s) shall support operation on a BACnet®, Modbus® or LONMARK ® network via one of the data link / physical layers listed below as specified by the successful Building Automation System (BAS) supplier.
BACnet MS/TP master (Clause 9)
BACnet IP, (Annex J)
BACnet ISO 8802-3, (Ethernet)
LONMARK FTT-10A. The unit controller shall be LONMARK ® certified.
The information communicated between the BAS and the factory mounted unit controllers shall include the reading and writing of data to allow unit monitoring, control and alarm notification as specified in the unit sequence of operation and the unit points list.
For chillers communicating over a LONMARK network, the corresponding LONMARK eXternal Interface File (XIF) shall be provided with the chiller submittal data.
All communication from the chiller unit controller as specified in the points list shall be via standard BACnet objects. Proprietary BACnet objects shall not be allowed. BACnet communications shall conform to the BACnet protocol (ANSI/ASHRAE135-2001). A BACnet Protocol Implementation Conformance Statement (PICS) shall be provided along with the unit submittal.

G. The unit base and coil supports shall be fabricated from heavy gauge steel and painted with powder coat paint. Incidental supports can be galvanized.

2.05 OPTIONS AND ACCESSORIES

The following options are to be included:

• Single-point connection, non-fused disconnect switch with through-the-door handle and compressor circuit breakers
• Ground fault protection
• High ambient control box for operation in ambient temperatures from 105°F to 125°
• Protective and decorative louvers for upper section of the unit, covering the coils and end of the unit
• Chilled water flow switch to be field mounted in the chilled water line and field wired to terminals in the control panel.
• Rubber-in-shear vibration isolators for field installation
• Compressor sound reduction package
• Convenience outlet with 115V power

PART 3 - EXECUTION

3.01 INSTALLATION

A. Install in strict accordance with manufacturer's requirements, shop drawings, and contract documents including piping and wiring the remote evaporator.

B. Adjust and level chiller in alignment on supports.

C. Coordinate electrical installation with electrical contractor.

D Coordinate controls with control contractor.

E. Provide all appurtenances required to provide a fully operational and functional chiller.

3.02 START-UP

A. Provide proper charge of refrigerant and oil.

B. Provide testing, and starting of machine, and instruct the Owner in its proper operation and maintenance..

22. Deliverables

a. What is the final deliverable that will be completed for the IHS? A deliverable will be used to measure successful performance, the project officer/supervisor must provide the evaluation criteria that will be used in determining whether the contractor has achieved or met the requirements.

The final deliverable is two (2) operational McQuay model AGZ190C air cooled scroll compressor chillers, 380 ton nominal capacity with remote evaporator, R140A refrigerant, condenser coil louvers, Micro Tech II Controls with BacNet communications, single point power connection with disconnect switch, field installed spring isolators, field installed flow switch and factory certified start-up. This includes all disposal of the existing chiller system and all front end graphics by Standard Plumbing and Heating.

23. Statutory Authority (FAR 6.301 (a) & (b) and FAR 6.303-2(a)(4)

41 U.S.C. 253 (c) as implemented by FAR 6.302. "All acquisitions which limit offers to Indian owned enterprises in accordance with PHSAR 380.5 must prepare a JOFOC under FAR 6.302 and when the contracting officer cannot determine that at least two responsible Indian enterprises shall thoroughly document the sole-source nature of the acquisition in the JOFOC". (HRSA Policy Letter 87-26 citing FAC 84-23).

24. Applicability of Authority (FAR 6.302)

A Justification shall be supported by verifiable facts rather than on mere opinions. Documentation in a JOFOC must be sufficient to permit an individual with technical competence in the area to follow the rationale. (FAR 6.303-1 (a) (1); (2) & (3); HHSAR 306.303-1).

A lack of planning, either from a delivery or from a funding viewpoint is not a sufficient reason to justify a JOFOC, especially in the use of this exception. (FAR 6.301 (c) (1) & (2).

When a program/department chooses to obtain certain goods/services/supplies by contract without full and open competition, it shall furnish the Contracting Officer with an explanation as to why a JOFOC is more feasible. All JOFOC's will be reviewed by the Contracting Officer (HHSAR 306.303-1 (g).

Unusual and Compelling Urgency (FAR 6.302-2): This authority (41 U.S.C. 253 (c) (2) is intended to be used only when the "need for the supplies or services is such unusual and compelling urgency that the Government would be seriously injured". Where this exception is used, the specific extend and nature of the harm to the Government must be stated in Section entitled, Other Facts Supporting Use of This Exception. This Exception 41 U.S.C. 253 (c) (2) authority should not be used to circumvent synopsis, solicitation and competition requirements.

a. Describe why you want to use this one particular vendor to meet the needs of this acquisition?

The vendor is an authorized McQuay dealer for Montana.

b. What makes this vendor so unique to warrant using a JOFOC? (FAR 6.302-1(a)(2)(b)

The vendor is an authorized McQuay dealer for Montana.

25. Efforts to Obtain Additional Sources

a. How many other quotes were received (3 Minimum)? What efforts can be made to overcome barriers in sending this out for bid?

No quotes because the vendor is an authorized McQuay dealer for Montana.

26. Determination that the Anticipated Cost will be Fair and Reasonable

a. What are the schedule risk and the price arrangement for this contract? Attach a copy of the certified cost and pricing data from the contractor. (Subject to review by the Contracting Officer or if estimated over $100,000, an Audit Resolution is requested to assist the Contracting Officer during the negotiations to the extent deemed appropriate and feasible).

No risk has been determined.

b. The Price of this Acquisition will be Fair and Reasonable to the Government: ☒ YES ☐ NO

27. Market Survey

a. Describe what efforts the Requestor/Department have made in identifying additional sources that can provide this service. Be certain that the description is consistent with other sections of this document.

The vendor is the authorized McQuay dealer for Montana.

28. Other Facts Supporting the Use of this Exception

Only use this section if there are "other facts" not given in the previous section – Applicability of Authority to help clarify or defend this JOFOC. If there are no other facts, then type **N/A (Not Applicable)**. However, when using **FAR 6.302-2, Urgent and Compelling or Emergency**, describe the harm that will result to the government in this section and the circumstances surrounding the use of this JOFOC.

If we do not replace the chiller system ASAP, it will have a negative impact on patient care. We will not be able to maintain normal air temperatures in the following areas:

1. Outpatient Clinic
2. Pharmacy
3. Admin Wing
4. Surgery
5. Labor and Delivery

29. Sources that Expressed Interest in the Proposed Acquisition

*In the event of an Urgent/Compelling competitive acquisition, there might be more than one source listed that can be utilized; otherwise, just list the one source that this acquisition would be obtained from.

Vendor Name: Vemco	Vendor Name:	Vendor Name:
Address: 2016 2nd Ave. North Billings, MT 59101	Address:	Address:
Contact Person: Bruce Cook	Contact Person:	Contact Person:
Phone #: 406-248-8373	Phone #:	Phone #:

30. Steps to Further Competition

a. If and when these supplies and/or services are ever needed again, how can IHS send this requirement out for bid the next time?

☐ Proper Acquisition Planning ☐ Small Purchasing ☐ Simplified Acquisition ☒ Commercial Contracting ☐ Negotiated Procurement

☐ Tribal 638 Procurement ☐ Prescribed Sources of Supply (GSA / FSS / Buy-Indian/Veteran-Owned/Women-Owned/JWOC/Etc.)

a. Will IHS require these supplies or services again in the near future? Be consistent with other sections in this JOFOC.

This section should include an indication if: Future competition is planned; a schedule for achieving competitive status should be

provided, together with an explanation of how interim requirements will be purchased; and if future JOFOC's will be required. Efforts to breakout tasks for competition should be described and credit taken. (Sec. 7.101 for assistance and further description of methods or explanations) (HHSAR 306.304 (e) & (f) and to address requirements cited for Competition Advocate, FAR 6.502 (a) & (b)).

No chiller replacement is planned in the future. Service life should be 15 to 20 years.

31. Supervisory Control

a. This contractor will be required to abide by all the rules and regulations that govern the Privacy Act IHS and DHHS.

The official responsible for supervising this procurement, in a project officer capacity and who will be verifying that all supplies and/or services have been received and delivered will be:

Name:	Title:
Jerry Smith, PE	Facilities Management Engineer

32. *Contracting Officer Certification*

a. FAR 6.303.2 (6) now requires a statement as to whether FEDBIZOPPS or the Government Point of Entry will be publicized as required by Subpart 5.2 and if not, which exception under FAR 5.202 applies. Chose one of the following statements:

☒ This Acquisition is over $25,000 in total aggregate, there it will be advertised in the FEDBIZOPPS.gov website.

☐ This Acquisition is under $25,000 in total aggregate, therefore it will not be advertised in the FEDBIZOPPS.gov website.

b. There are no other sources in which to promote or solicit competition from? ☐ YES ☐ NO

c. Only one vendor responded to an RFQ / RFP / IFB Solicitation / Proposal? ☐ YES ☐ NO

d. FAR 5.2-the Procurement Action was advertised in FEDBIZOPPS: ☐ YES ☐ NO | Date Advertised:

33. Special Contracting Considerations

For full text information, please contact the Billings Area Contracting Department

- INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT:
- CRIME CONTROL ACT OF 1990:
- FAR 52-249-4 TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (SERVICES) (APR 1984):
- FAR 52-249-12 TERMINATION FOR CONVENIENCE (PERSONAL SERVICES) (APR 1984):
- 5 USC 552A Privacy Act of 1974 and 45 CFR 5 Health and Human Services Privacy Act:
- Federal Tort Claims Act:
- Service Contract Act of 1965 As Amended:
- Tax Reporting Requirements:
- FAR 52.229-3 Federal, State and Local Taxes Apr 2003
- FAR 52.229-4 Federal, State and Local Taxes (State and Local Adjustments) Apr 2003
- FAR 52.232-18 Availability of Funds Apr 1984
- Health Insurance Portability and Accountability (HIPAA):
- IHS Computer Security

The Justification documentation shall conform to guidance in FAR part 13 and HHSAR 306.301(g)(1) and (g)(2) for acquisitions at or below the simplified acquisition threshold ($100,000). For acquisitions above the simplified acquisition threshold, the Justification documentation shall conform to guidance in FAR Part 6 and HHSAR 306.303.

The contracting officer has been delegated authority to sign JOFOC's up to $500,000 by FAC 90-39. However, each chief contracting officer may determine to retain some or all of this dollar approval authority at his/her level.

NOTE: An authorized substitute may sign "for" the specified signatory in the event of the latter's absence, if authority has been appropriately delegated in writing.

Following the concurrence, approval, or other action by the Contracting Officer or the Area Contracting Office, as appropriate, all JOFOC's come back to the local procurement office (Supply), which (1) returns a copy to the requestor and/or department and (2) forwards a copy to the Administrative Officer and (3) keeps a copy on file with the contract file.

When filling out your JOFOC remember to read and answer all required sections of the JOFOC form. The JOFOC should be filled out and completed by the person or department that is submitting the JOFOC. Most of the language and wording in the document is required. Do not change or alter any clause, provision or instruction on the document in any way.

Be as clear, concise and descriptive as possible. This will help the Contracting Department review your document as quickly as possible and may prevent them from having to return the document for further information which will only delay getting the supplies or services that are needed. Don't cut corners.

Include all necessary and required supporting information with this JOFOC that may be used to support and justify this acquisition, i.e. contractor proposals, Independent Government Cost Estimates, Position Descriptions, Requisitions, emails, correspondence, etc.

Send the original to the Area Contracting Office and keep a second copy at the Supply/Procurement Office.